

## **APPROVED ORDINANCE PROVISIONS**

**February 4, 2015**

**AR 92-V-001-02**

If it is the intent of the Board of Supervisors to renew the Belmont Bay Farms Statewide Agricultural and Forestal District, as proposed in Application AR 92-V-001-02, pursuant to Chapter 43 of Title 15.2 of the Code of Virginia and Chapter 114 of the Fairfax County Code, on Tax Map Parcels 117-2 ((1)) 2Z, 4Z and 5Z, the staff recommends that the approval be subject to the following Ordinance Provisions:

### Standard Provisions (From Chapter 114)

- (1) That no parcel included within the district shall be developed to a more intensive use than its existing use at the time of adoption of the ordinance establishing such district for ten years from the date of adoption of such ordinance. This provision shall not be construed to restrict expansion of or improvements to the agricultural or forestal use of the land.
- (2) That no parcel added to an already established district shall be developed to a more intensive use than its existing use at the time of addition to the district for ten years from the date of adoption of the original ordinance.
- (3) That land used in agricultural and forestal production within the agricultural and forestal district of statewide significance shall automatically qualify for an agricultural and forestal value assessment on such land pursuant to Chapter 4, Article 19 of the Fairfax County Code and to Title 58.1, Section 32 of the Code of Virginia, if the requirements for such assessment contained therein are satisfied.
- (4) That the district shall be reviewed by the Board of Supervisors at the end of the ten-year period and that it may by ordinance renew the district or a modification thereof for another ten-year period. No owner(s) of land shall be included in any agricultural and forestal district of statewide significance without such owner's written approval.

### Additional Provisions

- (5) The boundaries of those areas delineated as Environmental Quality Corridors (EQCs) shall be the permanent limits of clearing and grading for the life of the Belmont Bay Farms Statewide Agricultural and Forestal District (see attached map). EQC areas shall be left undisturbed, with the exception of:
  - a) Existing residential and agricultural uses, including all pasture land, farm-related buildings, residential structures, and surrounding yards. Additional

residential and agricultural activities may be added, provided that no clearing of the EQC is associated with such expansion;

- b) Forest management activities, including selective thinning operations and removal of noxious weeds and invasive species performed to enhance existing vegetation, and the removal of dead, dying, or diseased vegetation, in accordance with the Forest Management Plan, the Virginia Department of Forestry (DOF) guidelines for best management practices (BMPs) for water quality, and as reviewed and approved by DOF and the County's Urban Forestry Division.
- (6) The applicants shall implement and abide by the recommendations of the Forest Management Plan, dated December 10, 2014, for the life of the Belmont Bay Farms Statewide Agricultural and Forestal District. The Forest Management Plan may be updated from time to time as determined necessary by the Area Forester.
  - (7) The applicants shall implement and abide by the recommendations of the Soil and Water Conservation Plan, which was prepared by the Northern Virginia Soil and Water Conservation District on January 8, 2015, for the life of the Belmont Bay Farms Statewide Agricultural and Forestal District. The Soil and Water Conservation Plan may be updated from time to time as determined necessary by the Northern Virginia Soil and Water Conservation District.
  - (8) The Cultural Resource Management and Protection (CRMP) Section of the Fairfax County Park Authority shall be permitted to survey the property and recover artifacts from the property for the life of the Belmont Bay Farms Statewide Agricultural and Forestal District. CRMP shall be notified prior to any land disturbance that requires a permit or prior to any forest-management activities requiring DOF approval. Surveys and other similar activities of CRMP shall be conducted only with the prior permission of the owners of the property and at terms mutually acceptable to both parties established before each occurrence. All surveys and other archaeological activities shall be conducted in a manner which protects the privacy of the sites and the property within the District. All prehistoric and historic artifacts which are found on the property may be loaned to the County for cataloging and study for a period of up to five years, and shall be returned to the property owner at the end of the five year period. The applicant shall adhere to all applicable Federal and State Regulations (including the 1973 Endangered Species Act, as amended) regarding the protection of any endangered species which may be present on-site, as determined by the United States Fish and Wildlife Service and/or the Virginia Department of Game and Inland Fisheries. Should these agencies differ, the U.S. Fish and Wildlife Service shall take

precedence.

- (9) The establishment and continuation of this district depends upon the continuing legality and enforceability of each of the terms and conditions stated in this ordinance. This district may, at the discretion of the Board of Supervisors, be subject to reconsideration and may be terminated if warranted in the discretion of the Board of Supervisors upon determination by a court or any declaration or enactment by the General Assembly that renders any provisions illegal or unenforceable. The reconsideration/termination shall be in accordance with the procedures for the establishment, renewal, or amendment of an A & F District as outlined in Section 114 of the County Code and shall include an opportunity for the property owner(s) to demonstrate that the determination by a court or the declaration or enactment by the General Assembly does not apply to the conditions of this district.